

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 6: Court</b>	<b>Effective Date:</b> August 1, 2011
	<b>Section 2: Filing a Child in Need of Services (CHINS) Petition</b>	<b>Version:</b> 4

**STATEMENTS OF PURPOSE**

The Indiana Department of Child Services (DCS) will initiate a Child in Need of Services (CHINS) petition when there is sufficient reason(s) to believe that a child is a victim of abuse and neglect or the child has a CHINS condition such as experiencing physical or emotional maltreatment, neglect, or other conditions, such as abandonment.

The situation must meet one or more of the CHINS definitions as set forth in the Indiana Code (IC) under [IC 31-34-1](#) through [IC 31-34-1-11](#), and DCS must show that coercive intervention of the court is necessary to protect the child. See [Tool 6.B: Statutory Definition of CHINS](#) for further details.

DCS will ensure that a CHINS fact-finding hearing takes place when either parent or another named party has evidence regarding the condition of the child who is alleged to be a Child in Need of Services and who desires to contest the facts alleged in the DCS CHINS petition.

DCS will protect the confidentiality of information shared during court proceedings and the safety of a parent who is alleged to be a victim of domestic violence. This may include, but is not limited to:

1. Presenting addresses and contact information for the parent who is an alleged victim of domestic violence in a sidebar;
2. Requesting that confidential information regarding the parent who is an alleged victim of domestic violence not be read aloud in the court room;
3. Requesting that security escort the parent who is an alleged victim of domestic violence and/or alleged domestic violence offender in and out of the court room and to their vehicle, if necessary; and/or
4. Requesting that service providers redact their service reports prior to providing a copy to the alleged domestic violence offender.

Code References

1. [IC 31-34-1: Circumstances Under Which a Child Is a Child in Need of Services](#)
2. [IC 31-34-9: Filing of Petition Alleging That Child Is Child In Need of Services](#)

**PROCEDURE**

The Family Case Manager (FCM) will:

1. Ensure that the case management Assessment Matrix supports the filing of a CHINS. See separate policy, [4.18 Initial Safety Assessment](#);
2. Conduct a diligent search [Affidavit of Diligent Inquiry \(SF 54778\) \(ADI\)](#) if either of a child's parents are unable to be located. See policy, [5.6 Locating Absent Parents](#) for additional information;

3. Ensure that the CHINS petition includes a request for the court to make findings of Best Interests/Contrary to the Welfare, Reasonable Efforts to prevent placement, and Placement and Care responsibility to DCS if the recommendation is that the child continue to remain out-of-home, or be removed from the home and placed in out-of-home care;

**Note:** The FCM must be prepared to submit an [ADI](#) or an update as to the progress toward completion of the [ADI](#) to the court at the time of the Detention/Initial Hearing. See policy [5.6 Locating Absent Parents](#) for more information.

4. Ensure the following forms are completed:
  - a. [Taking Custody of a Child without Verbal Consent or Written Court Order: Description of Circumstances \(SF 49584\)](#), if the child was removed without a court order,
  - b. [Preliminary Report of Alleged Child Abuse or Neglect \(SF 114\) \(310\)](#),
  - c. [Assessment of Alleged Child Abuse or Neglect \(SF 113\) \(311\)](#) if the assessment is completed,
  - d. [Preliminary Inquiry](#), and
  - e. Any other forms or notices in the case management system that are required.

**Note:** In cases where domestic violence has been identified, the FCM will ensure that proper redaction of a-e below occurs. All redactions should be completed in conjunction with the DCS Staff Attorney.

5. Work with the DCS Staff Attorney to complete and file all documents necessary for court proceedings. See policy, [6.4 Providing Notice](#) for more information;
6. Request separate hearings be held for a parent who is an alleged victim of domestic violence and alleged domestic violence offender, when appropriate; and
7. Staff with Supervisor to determine next steps if request for separate hearings is denied.

The FCM Supervisor will:

1. Assist the FCM, whenever necessary, to complete the required CHINS documents;
2. Ensure the CHINS petition is filed in a timely manner; and
3. Assist the FCM if the request to hold separate hearings is denied for the non-offending parent and alleged domestic violence offender, when appropriate.

<b>PRACTICE GUIDANCE</b>
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N/A

<b>FORMS AND TOOLS</b>
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1. [Taking Custody of a Child without Verbal Consent or Written Court Order: Description of Circumstances \(SF 49584\)](#)
2. [Preliminary Inquiry](#) – Available in [CHINS Benchbook Forms](#)
3. [Preliminary Report of Alleged Child Abuse or Neglect \(SF 114\) \(310\)](#) – Available in the case management system
4. [Assessment of Alleged Child Abuse or Neglect \(SF 113\) \(311\)](#) – Available in the case management system

5. [Tool 6.B – Statutory Definition of CHINS](#)
6. [Affidavit of Diligent Inquiry \(SF 54778\)](#)

## RELATED INFORMATION

### **Child in Need of Services (CHINS)**

This policy applies to any child, regardless of whether the child remains in his or her home (referred to as an “in-home CHINS”) or is placed in out-of-home placement (referred to as an “out-of-home CHINS”).

### **Coercive Intervention**

The inability or unwillingness of the parent, guardian, or custodian to provide needed supervision, safety, protection, and/or services for a child without a court order.

### **Rebuttable Presumption**

An assumption made by a court, one that is taken to be true unless someone comes forward to contest it and prove otherwise.

### **Affidavit of Diligent Inquiry (ADI)**

A sworn statement that the individual made reasonable efforts to locate someone.

### **Standard of Evidence**

1. Preponderance of the evidence: Having the greater weight of the evidence; the superiority in weight of the evidence is more convincing (even if minimally) than the evidence presented by the other party, i.e., more than 50% of the evidence; the CHINS standard is “preponderance of the evidence.”
2. Clear and Convincing Evidence: as a standard of proof requires the existence of a fact “to be highly probable.” This is the standard of proof used in termination of parental rights cases.
3. Sidebar: a conversation held outside the hearing of the other persons present in the court. It usually includes the attorney for the parties, the judge, and the court reporter (who makes sure the conversation is recorded and becomes part of the case record).

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